

### REMARKS

Claims 16-19 and 22-26 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-18 of U.S. Patent No. 6,890,102 in view of Boyn. Applicant disagrees with the Office Action's assertion that the claims of the present application are not patentably distinct from the claims of the '102 patent.

Applicant previously filed a Terminal Disclaimer on February 16, 2006 and paid the required fee. The Office Action states that the February 16, 2006 Terminal Disclaimer was not accepted because the Terminal Disclaimer was not signed by an attorney of record. Applicants, therefore, have resubmitted a Terminal Disclaimer herewith, signed by an attorney of record. Therefore, Applicant respectfully requests this rejection be withdrawn.

Applicant believes that a Statutory Disclaimer fee is not necessary at this time as it was previously paid. However, the Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 04-1073, under Order No. K8098.0000/P017.

Claims 16-19 and 22-26 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-11 and 17-21 of copending U.S. Patent Application No. 11/010,335 in view of Boyn. Application No. 10/893,299 is still pending at this time and its claims are subject to change and are subject to various objections and rejections. Thus, Applicants do not

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Docket No.: K8098.0000/P017

elect to file a Terminal Disclaimer at this time. Nonetheless, Applicant reserves the right to further respond to the rejection if necessary should it become a non-provisional rejection.

Allowance of the present application with claims 16-19 and 22-26 is solicited.

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Respectfully submitted,

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